

**California Regional Water Quality Control Board
San Francisco Bay Region
EXECUTIVE OFFICER'S REPORT
A Monthly Report to the Board
October 2003**

Hamilton Army Airfield Transfer Approved for Wetland Creation

(Naomi L. Feger)

Governor Davis approved the early transfer of 630 acres of the former Hamilton Army Airfield to the State Coastal Conservancy, for its eventual restoration as wetlands in San Pablo Bay. The Army will continue its cleanup efforts over the next couple of years while the Hamilton Wetland Restoration Project begins the site preparation necessary for the wetland restoration.

A press conference was held September 30th by Mary Nichols, Resources Agency Secretary to announce the transfer. Board member and Novato resident, Kristen Addicks (and her new baby Casey) attended. DTSC Director Ed Lowry complimented the Regional Board for its "determination and imagination" in getting the Hamilton site through all the regulatory hurdles necessary to make the transfer possible. Judy Arnold, aide to State Senator John Burton, and a strong supporter of the early transfer, said she had never before worked on a project where the federal government transferred a piece of property to the State, so that the State could give it back to the feds to spend federal dollars doing a restoration project to meet State goals. Tom Roth, Congressional Representative Woolsey's legislative aide, also spoke on behalf of Rep. Woolsey, a strong advocate. Mr. Roth and Ms. Arnold worked directly with all the involved agencies throughout the early transfer process to ensure the process stayed on track.

Others in attendance included representatives of the Governor's office, the Bay Institute, Save the Bay, the Audubon Society, Marin Community Foundation, City and County government officials, including Marin County Supervisor Cynthia Murray.



At the Transfer Ceremony (L to R): Board Member Kristen Addicks, Staff Project Manager Naomi Feger, Executive Officer Loretta Barsamian



Agency Staff Present for Hamilton Transfer (Back Row/L to R): Eric Polson (COE), Curtis Scott (RWQCB), Naomi Feger (RWQCB); Sam Schuchat (SCC); Loretta Barsamian (RWQCB), Tom Gandesbery (SCC), Ed Keller (Army), (Front Row/L to R): Nadine Hitchcock (SCC), Marcia Grimm (SCC), Dick Wayman (SCC).

Port of Oakland 10-Year Regional Permit
(Martin Musonge)

Staff has issued a conditional water quality certification to the Port of Oakland (Port) for its routine maritime maintenance activities. This certification also covers minor construction activities at existing facilities throughout the Port as well as the reconstruction of the Port's Berth 22 wharf and embankment. Activities permitted by the certification will take place throughout property owned and managed by the Port, which spans 19 miles of urban and industrial waterfront on the Bay.

The Army Corps of Engineers had previously made the determination that the Port's maintenance and minor construction activities qualified for authorization under a Corps' 10-year Regional Permit; as such, staff has certified that, upon the Port's implementation of the conditions specified in the certification, these activities will not violate State water quality standards. The National Marine Fisheries Services has also determined that the Port's activities are not likely to adversely impact endangered and threatened salmonid species or designated critical habitat for such species.

The Port will be implementing best management practices (BMPs) that it developed for these activities and will monitor sound levels from any pile driving as a condition of the certification. Starting next year, the Port is required to submit annual reports detailing the activities it completed each year. These reports will include evaluations of BMPs implemented in the preceding year and discuss contemplated contingency measures. This certification is consistent with our continuing effort to streamline permitting of recurring maintenance and minor construction activities. Staff intends to issue similar certifications to other agencies in the near future.

CALPIRG's MMP Effectiveness Analysis
(Greg Walker)

Environment California Research and Policy Center is the new name of CALPIRG (California Public Interest Research Group), an active statewide environmental advocacy organization. Environment

California has released a draft report on the effectiveness of the Mandatory Minimum Penalty (MMP) legislation and is using the San Francisco Bay Regional Board's experience in the program as a main focus of the draft report. The report finds increased enforcement and fines and decreased violations in the first two years of the MMPs being implemented.

The draft report praises our region's electronic reporting system and recommends it statewide; argues for the application of MMPs to violations of self-monitoring report submittal requirements; wants the establishment of numerical effluent limits and standardization of monitoring and reporting requirements in the stormwater program; and, concludes that funding for compliance activities should be prioritized.

The draft report also finds that there is a loophole in the law. The report states that MMPs are required for certain violations but there are no MMPs required for failing to report such violations. They assert that this creates an incentive to not report violations. This conclusion is based on available, but incomplete, data obtained from the State Board's electronic database. The database does not show that most reports were on time or less than 30 days late.

Since the draft report was issued, on September 29th, the Governor signed already pending legislation (AB 1541) that requires MMPs effective January 1, 2004, for monitoring reports required by NPDES permits that are more than 30 days late.

Sunnyvale NPDES Permit Petitioned
(Gina Kathuria)

The Board adopted the updated City of Sunnyvale's (City's) NPDES permit at the August Board meeting after workshops and opportunities for public testimony at the May, July, and August Board meetings. Most of the issues were previously resolved a year long stakeholder process and the two Board Workshops. At the last Board meeting, the City's testimony was focused on their disagreement with the proposed mercury

concentration limit. The Board adopted the Permit as recommended by staff

The City has subsequently petitioned their NPDES permit to the State Board on the basis that the mercury concentration limit of 0.012 ug/L is illegal and erroneous.

In a separate action, BACWA, another stakeholder participant, has also petitioned the State Board on four points: (1) improper imposition of mercury and tributyltin concentration limits; (2) lack of authority to adopt a mercury mass limit; (3) improper denial of dilution credits; and (4) improper imposition of daily maximum (MDELs) effluent limits. These points made by BACWA were never discussed during the, nor the Board hearings.

The other two municipalities (Palo Alto and San Jose/Santa Clara) have not petitioned their similar, adopted permits.

Budget (Steve Morse)

On September 19th State Board Executive Director Celeste Cantu informed staff that attrition and mitigating factors have reduced the staff on-hand sufficiently such that she was cautiously optimistic there will be no lay offs.

Several factors have contributed to this. There has been significant attrition in most of the State and Regional Board Offices over the past three months. Additionally, for organizations that were in severe trouble, voluntary reduction-in-time bases (mitigating factors) are being executed. Some organizations also graciously agreed to "lend" resources to assist those organizations in need. Resources such as contracts were also used. In our Region contract reduction resulted unfortunately in the separation of all of our Student Assistants. These student separations will put more work back onto the professional and administrative staff and also diminishes our ability to recruit good, tested staff. We are reviewing our options to at least partially restore student in the future.

Last month we also received our budget and personnel allotments for FY 03-04. From a high personnel strength of the mid-130s several years ago, we are now authorized 115 staff. In addition, we have recently responded to proposals for even more reductions in FY 04-05. While we have not had to layoff any full-time staff, the reductions will significantly impact our ability to accomplish many of the tasks we have routinely performed in the past. We will be updating you on the impacts to the Board's operations both short and long term shortly.

Transfer Ceremony at Former Naval Fuel Depot Point Molate

(Adriana Constantinescu)

On September 23rd, several Regional Board DoD program staff attended the transfer ceremony for the Naval Fuel Depot (NFD) Point Molate, located in Richmond. The ceremony marked the transfer of clean property from the Navy to the City of Richmond. In attendance were Wayne Army, Deputy Assistant Secretary of the Navy; City of Richmond Mayor Ms. Irma Anderson; aides from Congressional offices; and members of the public.

The transfer includes 218 acres of uplands next to the San Francisco Bay, in the western portion of the City of Richmond. Future development is still being determined.

In remarks to the attendees, Mayor Anderson and Mr. Army both made reference to the fact that 85% of the former Point Molate Navy facility was being transferred and that the remaining 15% of the property is still undergoing environmental cleanup activities. During his remarks, Mr. Army especially thanked staff of the RWQCB for its diligence and dedication working towards cleanup leading to the transfer of this former military facility

Ballast Water Developments (Larry Kolb)

Introduction of invasive species via discharges of ballast water from commercial shipping is an enormous problem all over the world. American waters are both the victims of invasive species and the source of invasives to other waters. Most of those working on the problem conclude that the

ultimate solution will be some kind of on-board method for killing the plants and animals taken in with ballast water. At present there is no obvious front runner as to the method. Since the range of organisms is so large, from viruses to fish, it may be that more than one technology is needed. The methods being examined are similar to those available for sewage treatment disinfection, including various chemicals and ultraviolet light.

Whether invasive species can be considered pollutants under the federal Clean Water Act is contested legal territory. This Regional Board has included invasive species as one of the pollutants causing impairment of the Bay. On the other hand, last month USEPA said it would not regulate ballast water from shipping as a waste. Environmentalists say the decision was expected, and that they intend to sue.

In the meantime, EPA has released a memorandum of understanding with the US Coast Guard outlining their plans for jointly looking at the impacts of a numerical ballast water standard. Establishing numerical standards, or even a standard method of measurement, is a challenge in itself, because any standard must somehow cover the wide variety of plants and animals as noted above. The overall intent is to develop a standard that competing control technologies can aim at. It is clear that both EPA and the Coast Guard need to be involved; EPA knows waste treatment, and the Coast Guard knows boats.

Hookston Station Update

(Rangarajan Sampath)

Union Pacific and the other dischargers named in the Board's April 2003 site cleanup order are implementing the various tasks in the order, but the "indoor air" issue threatens to derail this effort. In human health risk assessments at site cleanups, the indoor air pathway refers to situations where vapors from VOC groundwater plumes migrate through soil and foundation cracks, possibly producing unhealthy concentrations in indoor air. In this case, residents living near this Pleasant Hill VOC-impacted site are requesting a much more comprehensive evaluation of the indoor air pathway than we or the dischargers think is warranted at this point, given site conditions.

We knew "indoor air" would be an issue when the cleanup order was adopted. The cleanup order therefore requires a risk assessment workplan, to be sure that all exposure pathways (including indoor air) are adequately addressed in the risk assessment. The residents and staff had a number of comments on the dischargers' June original workplan and an August workplan addendum. Staff conditionally approved the workplan in late September. The residents are still not satisfied with the workplan, as conditionally approved, and may yet want to raise the issue with the Board as part of the community involvement process. Since we believe that we are consistent in following appropriate protocols and have provided reasonable community involvement, staff is still considering whether these community concerns should be heard as part of the Public Forum or agendized as a status report for Board consideration. If agendized, the earliest it would be heard would be the January Board meeting and would most likely include testimony and comments from the residents and the dischargers.

Targeted Site Investigations at Brownfield Sites (Stephen Hill)

This fall Board staff will participate in a Cal/EPA effort to select a small number of "Brownfield" sites for targeted site investigations (TSIs), with the goal of hastening site cleanup and redevelopment. Brownfields are properties where real or perceived contamination has the effect of hindering redevelopment, thereby increasing development pressure on the urban fringe ("Greenfields"). In my May report, we noted that the State of California received a \$1.5 million USEPA Brownfield grant for various activities. This grant is shared between the Department of Toxic Substances Control (DTSC) and the State Board. Up to \$0.6 million of this grant will be used for TSIs. The money will pay for a DTSC contractor to conduct TSIs for at least twelve sites throughout the state. We are trying to target sites where uncertainty over subsurface contamination has stalled redevelopment and where a modest amount of site investigation will resolve that uncertainty. Board staff prepared an initial proposal for selecting TSI sites in June. DTSC and the other regions reviewed the draft, and DTSC issued a final version in mid-September. It sets an aggressive implementation schedule, with applications due by October 17. A five-member

Cal/EPA panel (with DTSC and Regional Board representatives) will select up to twelve sites by November 17, and DTSC's contractor will have a "scope of work" for each site by December 31. The goal is to complete the TSIs by next June. Staff have been encouraging key public agencies and non-profit organizations from our region to submit TSI applications. Sites that are not selected this fall can be considered in future selection cycles; we expect USEPA to continue to provide state Brownfield grants in future years. Local agencies can also apply directly to USEPA for their own Brownfield grants. We will let you know if any sites in our region are selected for TSIs.

MTBE Monitoring at Operating Gas Stations (Barbara Sieminski)

In December 2002 and January 2003 we sent requests for MTBE monitoring to 153 operating gas stations in Santa Clara County. The stations were selected based on their sensitive locations: within 2,000 feet of a drinking water well, or within 500 feet of an abandoned well, or within a groundwater recharge zone or vulnerable aquifer area of the Santa Clara groundwater basin. These "high threat" stations were required to perform MTBE monitoring using one of three methods: (1) collecting groundwater grab samples using direct push technology; (2) installing and sampling groundwater monitoring wells; or (3) performing enhanced leak detection tests. This project follows studies performed by the Santa Clara Valley Water District, the State Board, and others which all indicated that MTBE releases were occurring at over half of the gas stations with upgraded tanks and operational leak detection systems.

The targeted gas stations submitted work plans during the first half of this year. After further evaluation, the District and staff excused 25 sites from the MTBE monitoring requirement: 14 had recently performed MTBE monitoring; 11 provided documentation that they did not meet the "high threat" criteria; and 1 was also located within another's large MTBE plume. This left 128 stations that were required to perform MTBE monitoring. To date, 110 (or 86%) of the 128 sites that were required to perform monitoring have submitted MTBE monitoring results, and a total of 269 groundwater samples were analyzed for this

investigation. We are still awaiting results from 18 stations.

The results (see table below) are consistent with past studies, although relatively few of the operating stations appear to have had significant MTBE releases. MTBE was detected in groundwater at 55% of the stations. Low MTBE concentrations at several stations appear to be related to earlier releases, since 73% of the stations included in this project were former "leaking tank" cases that were closed with low concentrations of MTBE remaining in groundwater. However, many of the stations appear to have had new releases. Based on these monitoring results, the District has opened new "leaking tank" cases at 33 of the operating stations.

| MTBE Status | # Stations | Percent |
|-----------------------------|-------------------|----------------|
| Not detected in groundwater | 50 | 46% |
| Detected (<5 ppb) | 20 | 18% |
| Detected (5-100 ppb) | 20 | 18% |
| Detected (100-10,000 ppb) | 12 | 11% |
| Detected (>10,000 ppb) | 8 | 7% |
| Subtotal | 110 | |

One of the stations with very high MTBE concentrations is located within 280 feet of a public water supply well, Great Oaks Water Company's well #16 in San Jose. Groundwater monitoring at this station found 140,000 ppb of MTBE, as compared to the drinking water standard of 5 ppb. Immediately after receiving the MTBE monitoring results, the District opened a "leaking tank" case at the site, and requested an expedited site assessment and remediation. Fortunately, the plume has not yet reached the well. It appears that this particular MTBE release was caught in time - thanks to this project.

Field Trip to Alameda County Water District (Judy Huang)

On September 24th, staff of the Groundwater Protection and Waste Containment Division participated in a field trip to the Alameda County Water District (ACWD) in Fremont. The purpose of the field trip was to better understand and observe

the interaction and relationship between watershed protection, groundwater protection, and drinking water quality.

Staff visited several sites including: the lower Alameda Creek Watershed; the ACWD's Alameda Creek surface water monitoring station; the network of inflatable rubber dams that ACWD uses to divert water from Alameda Creek for groundwater recharge; the lakes contained within Quarry Lakes Regional Park where, in addition to enabling groundwater recharge, the lakes support beneficial uses of swimming and fishing; and the production well fields where the groundwater is pumped out the aquifer and into people's homes.

The last stop of the field trip was ACWD's recently dedicated Newark Desalination Facility. This is the first such facility in Northern California. The facility transforms brackish water in the aquifers that would otherwise be pumped out and discharged to South San Francisco Bay into high quality drinking water utilizing state of the art reverse osmosis techniques. Current production from this facility is 5 million gallons per day for ACWD customer consumption.

Sonoma County Farm Bureau Institute (Wil Bruhns)

The Sonoma County Farm Bureau hosted a one day Institute on September 24th for regulators and decision makers to hear from farmers about the environmental and economic issues affecting farmers in Sonoma County. Several staff and I spent the day visiting seven farms including the Petaluma Poultry Processors' facility, the Gallo of Sonoma vineyard, the Spring Hill Jersey Cheese and the McClelland Dairies, the Pozzi Ranch cattle ranch, the Grossi Farms nursery and produce farm, and the Twin Hills Apple Ranch. The group also included

State Assembly Representative Patty Berg, representatives from the USDA and Sonoma County planning agencies, and local area farmers associated with the Sonoma County Farm Bureau.

In-house Training

Our September training was an annual 8-hour health and safety refresher. Our October training will be on writing skills. Recent brown-bag topics included an October 1st session on methods for measuring petroleum hydrocarbons in wastewater samples and an October 8th session on pathogen research (determination of either a human or animal source of pathogens in receiving waters).

Staff Presentations

Andree Breaux made a presentation September 17th at the Estuarine Research Federation Conference in Seattle. The presentation was entitled *Ecological Assessments of Wetland Mitigation Projects in the San Francisco Bay Region* and was based upon on the results of the recent wetland assessments we conducted this Spring with significant assistance from the Corps of Engineers and the State Coastal Conservancy. Andree will make a brown bag presentation to staff on this subject soon.

Roger Brewer co-organized and spoke at an indoor air symposium ("Subsurface Vapor Intrusion to Indoor Air") sponsored by the Groundwater Resources Association of California on September 30 in San Jose and October 1 in Long Beach. The topic is of considerable interest in the remediation field, and the symposium attracted over 400 attendees.

On October 2 Larry Kolb participated in a panel discussion on water reclamation in Half Moon Bay sponsored by the Committee for Green Foothills. Chairman John Muller was also present.